

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

MAY 17 2019

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY RB, DEPUTY

Travis Dean Downing,

(Enter the full name of the plaintiff.)

v.

Case No. CIV-19-452-F
(Court Clerk will insert case number)

(1) Warden ^{Martin} ~~Mitter~~ of NECC,

(2) Oklahoma department of Corrections

(3) Re, StG. officer.

(Enter the full name of each defendant. Attach additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$400 (including a \$350 filing fee and a \$50 administrative fee). The complaint will not be considered filed until the Clerk receives the \$400 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$400 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

- If the court grants your request, the \$50 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. *See* 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. Jurisdiction is asserted pursuant to:

✓ 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

 Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

II. State whether you are a:

- ☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Pretrial detainee
☐ Immigration detainee
☐ Civilly committed detainee
☐ Other (please explain) _____

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): ~~Warden Miller of North Fort Consec~~

N/A

b. Court and docket number: N/A

c. Approximate date of filing: N/A

d. Issues raised: N/A

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): N/A

N/A

f. Approximate date of disposition: N/A

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

(1) List the right that you believe was violated:
Mental Anguish

(2) List the defendant(s) to this claim:

R.C. Security Threat Group Officer

Warden Martin

Oklahoma Department of Corrections

(3) List the supporting facts:

Plaintiff now has become very depress, nervous, and
paranoid due to the fact that the defendant has told
numerous offenders false information in which has
put the Plaintiffs life in danger. Plaintiff is now seeking
Mental Health attention to be evaluated.

(4) Relief requested:

Grant me the 1,000,000.00 (million) dollars I'm asking for.

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Tavis Dean Downing

Address: 1605 E. Main Sayre, OK. 73662

Inmate No.: 728782

2. Defendant No. 1

Name and official position: Warden Miller of North Fork
Correctional Center

Place of employment and/or residence: North Fork Correctional
Center 1605 E. Main, Sayre, OK. 73662

How is this person sued? ☒ official capacity, () individual capacity, (☒) both

3. Defendant No. 2

Name and official position: Oklahoma Department of
Corrections

Place of employment and/or residence: Oklahoma Department of
Corrections 3400 Martin Luther King, Ave. OKC, OK. 73136

How is this person sued? ☒ official capacity, () individual capacity, (☒) both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

4. Defendant No. 3

Name and official position: Security Threat Group officer R.C.

Place of employment and/or residence: North Fork Correctional Center 1605 E. Main, Sayre, OK. 73662,

How is this person sued? ☐ official capacity, ☐ individual capacity,
☒ both

V. Cause of Action

Instructions

1. *Provide a short and plain statement of each claim.*
 - Describe the facts that are the basis for your claim.
 - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
 - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
 - Describe the constitutional or statutory rights you believe the defendant(s) violated.
 - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
 - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures **before** filing your lawsuit.*
 - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. *See* 42 U.S.C. § 1997e(a).
 - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
 - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.

6. *Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.*
- If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. **Claim 1:**

- (1) List the right that you believe was violated:

Defamation of ~~Character~~ Character

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Warden ^{Martin} ~~Mitter~~ of North Fork Correctional Center

Oklahoma Department of Corrections

R.C. Security Threat Investigator

(3) List the supporting facts:

Do to the Defendants poor actions and training govern by the other two Defendant(s) Warden Martin and ODOC as a peace officer he has acted under color of his authority by lying on the Plaintiff and has put his life in danger and labled a snitch.

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

Grant me the 1,000,000.00 (million) dollars I'm asking for

2. Claim II:

(1) List the right that you believe was violated:

Slander

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

STG Officer R.C.

Warden Martin

Oklahoma Department of Corrections.

(3) List the supporting facts:

Defendant has acted under color of his authority by slandering the Plaintiff's name to numerous offenders just because the plaintiff wouldn't talk or give the Defendant any information that he was seeking.

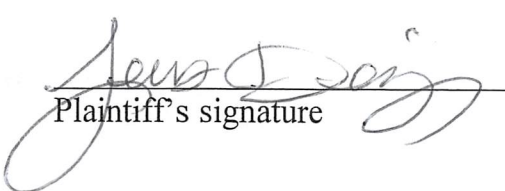
(4) Relief requested: (State briefly exactly what you want the court to do for you.)

Grant me the 1,000,000.00 (million) dollars I'm asking for.

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

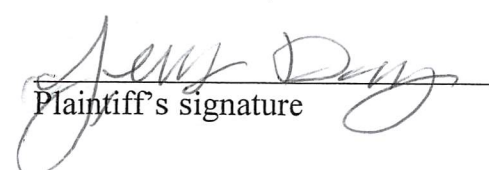
VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.


Plaintiff's signature

5-15-19
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 15 day of May, 2019.


Plaintiff's signature

5-19-19
Date

TRAVIS DOWNING # 728782
North Fork Correctional Center SHU #13
1605 E. MAIN
SAYRE, OKLAHOMA 73662

UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

TRAVIS DOWNING

Plaintiff,

V.

STG Officer R.C.
WARDEN JIM MARTIN
OKLAHOMA DEPARTMENT OF CORRECTIONS

Defendants

CIV- 19- 452-F

JURY TRIAL DEMANDED

42 U.S.C. § 1983

CIVIL RIGHTS COMPLAINT

A. PARTIES

1. Travis Downing is a citizen of Oklahoma who presently resides at NFCC 1605 E. Main., Sayre, OKla. 73662.
2. Defendant STG Officer R.C. is a citizen of Oklahoma and is employed at North Fork Correctional Center (here after NFCC) 1605 E. Main., Sayre, OKla. 73662. At the time the claim(s) stated in this complaint arose, this defendant was acting under color of state law being employed by the Oklahoma Department of Corrections (here after ODOC) in the position of Security Threat Group Officer (here after STG) at North Fork Correctional Center (here after NFCC) who is in charge of overseeing and controlling the different gangs, by classifying each group and there possible threat to the facility and other offenders, also maintains a close working relationship with other departments chairs, the unit classification meetings, review all team decisions, ensures the safety of staff and offenders under North Fork Correctional Center supervision assigned to this Center and to enforce ODOC policies to ensure that the public, staff and offender safety is meet. This defendant is being sued in both official/individual (for declaratory and injunctive reliefs) capacities (damages).
3. Defendant Mr. Martin is a citizen of Oklahoma and is employed at NFCC address at the (address above at 2). At the time the claim(s) stated

in this complaint arose, the defendant was acting under color of state law being employed by ODOC in the position of Warden at N.F.C.C. who is to ensure or govern over the facility, his unit staff, administration, and officers consistent reviews regarding the facility security, special and protective needs also to make sure each employee under his supervision has been train right. To transmit all relevant information to all staff to ensure offenders safety and to enforce ODOC policies to ensure that the public, staff, and offender safety is meet. This defendant is being sued in both official (for declaratory and injunctive reliefs) and individual capacities (damages).

4. Defendant Oklahoma Department of Corrections is a citizen of Oklahoma and is employed by the state of Oklahoma, 3400 Martin Luther King, Ave. OKC, OKla. 73136-0400. At the time the claim(s) stated in this complaint arose the defendant was acting under color of state laws by not further investigating this facility N.F.C.C. due to numerous complaints and extreme violence at said facility which includes the employees at this facility for lack of training and putting offenders life in danger. This defendant is being sued in both official (for declaratory and injunctive reliefs) and individual capacities (damages).

B. JURISDICTION

1. Jurisdiction is invoked pursuant to 28 U.S.C. §§ 1343 (a) (3); 28 U.S.C. § 1331; 42 U.S.C. § 1983; 22 U.S.C. § 2201 and § 2202; 28 U.S.C. § 2283 and § 2284 and 28 U.S.C. § 1367.

C. NATURE OF THE CASE

1. This is a civil action filed by a pro se litigate state prisoner Travis Dean Downing for damages, declaratory and injunctive relief under 42 U.S.C. § 1983, alleging reckless disregard for the health and safety of plaintiff by forcing/coercing him by the direction of STG officer R.C. defendant by telling other offenders of the infamous gang Irish Mob that the plaintiff Travis Downing has giving him defendant STG officer R.C. information on said gang in which is a lie and is in violation of the Eighth Amendment with full knowledge of the serious and substantial risk to plaintiff's health and safety by the defendants Warden Martin and ODOC with the

D. CAUSE OF ACTION

1. I Travis Dean Downing, declare and state the following facts form the basis facts establishing the violation of my constitutional rights, privileges and immunities:

(A) (1) Count One: Defendants Warden Martin and Oklahoma Department of Correction showed deliberate indifference to Plaintiff's safety from the known excessive risk of being labeled a snitch and lied on by Defendant STG Officer R.C. and refuse to protect plaintiff in which is in violation of the Eighth ~~Admex~~ Amendment of the U.S. Consitution.

(2) SUPPORTING FACTS: I declare and state that the following facts are true and correct to the best of my knowledge and experience:

1. On or about the month, day, and year of March 8th 2019, Plaintiff Travis Downing was housed at North Fork Correctional Center B-Unit known as (Bravo Unit).

2. Plaintiff Travis Downing was summons to the office by Defendant (STG) officer R.C. on the above said date.

3. Defendant STG Officer R.C. admittedly started asking the Plaintiff questions concerning the ~~if~~ infamous gang Irish Mob such as where do they do there drops as well as who brings the contraband (etc).

4. The Plaintiff upon hearing the Defendant's question answered and stated "that he (the Plaintiff) doesn't know what he was talking about and didn't have any knowledge of such information and if he did he wasn't going to tell him anything because it's not any of his business to tell and that he mines his own business and focuses on going home to his family".

5. When the Plaintiff stated this the Defendant got really upset slamming his office door as well as throwing his notebook at the wall then got in the Plaintiff's face stating "You piece of shit I know you know what I'm talking about what correctional officers (CO's) has been paid off by the Irish Mob."

6. The Plaintiff stated once again "that he didn't know what he was talking about and asked the Defendant if he could please get out his face."

7. The Defendant continued to ask the Plaintiff the same questions and getting more upset due to the fact he wasn't getting any information he was looking for because the Plaintiff continued to state that he has

8. The Defendant stormed out his office and told another correctional officer to lock the Plaintiff up for interfering with an investigation in which clearly shows violation of Plaintiff Eighth Amendment Constitutional Rights (Cruel and Unusual Rights Punishment).
9. In the process of the Plaintiff getting escorted to the Segregation Housing Unit (SHU) the Defendant R.C. stated he was going to tell the Irish Mob that he the Plaintiff gave him the Defendant information on the Irish Mob.
10. Which is a lie and abuse of his authority in which has put the Plaintiff's life in danger.
11. On March 19th 2019 about the time 2:30 p.m. the Plaintiff was escorted to the Deputy Wardens office and confronted about the issue with Defendant R.C. in which my case manager, Cpt. Frizzle, and one other man that the Plaintiff didn't know.
12. The Deputy Warden told the Plaintiff to tell him what was the issue with him and the Defendant.
13. The Plaintiff explain everything to the Deputy Warden and strongly express that the Defendant was going to lie on him by telling members of the Irish Mob that the Plaintiff has snitched on them.
14. Since the Plaintiff been housed in (SHU) numerous offenders have been put in the cage for holding letting the Plaintiff know that the Defendant R.C. has told them that the Plaintiff has giving him the Defendant information on them Irish Mob and has extemly put the Plaintiff life in danger in which the Plaintiff has recieved numerous death threats due to the fact the Defendants poor actions and lack of training.
15. The Plaintiff has followed all rules and guidelines by filing numerous informal grievances, Request To Staffs, and Formal Grievances in which the Plaintiff has never recieved a response back.

This Said Action Strongly Shows The Following Action:

- Defamation of character - Due to the Defendants poor actions and training govern by the other two Defendants Warden Martin and Oklahoma Department of Corrections as a peace officer he is acting under color of his authority by lying on the Plaintiff and has put the Plaintiffs life in danger and labled the Plaintiff a snitch.
- Slander - Defendant has also acted under color of his authority by slandering the Plaintiffs name to numerous offenders just because.

the plaintiff that he was seeking.

Mental Anguish - Plaintiff now has become very depress, nervous and perinoid due to the fact that the Defendant has told numerous offenders false information in which has put the Plaintiff's life in danger. Plaintiff is now seeking Mental Health attention to be ~~extra~~ evaluated.

The following Case laws deals with: Defamation of Character, Slander, and Mental Anguish.

Chapman v. Journal Concepts, inc. 400 Fed. Appx. 243 (2010)

Cappozzi v. Lucas, 148 Fed Appx. 138 (2005)

Cohen v. U.S., 252 F. Supp. 679 (N.D. Ga 1966)

Garrett v. U.S., 501 F. Supp. 337 (1980)

All Defendants know ~~that~~ their actions and in-action are in violation of clearly established laws and ODOC policies and that the State Immunity would not protect them from suit damages.

E. Previous Lawsuits And Administrative Relief

1. I have not entered any other lawsuits dealing with this matter as describe in this complaint.
2. I have previously sought informal an formal relief from the appropriate administrative officials regarding the act complained about in this complaint. ODOC policy OP-090124 requires that I speak to staff first before filing a RTS in which ~~I~~ the Plaintiff did and then the Plaintiff filed numerous RTS and Grievance that's never been answered or return to the Plaintiff.

F. Request For Relief

~~I~~ The Plaintiff believe that he is entitled to the following relief:

Attorney appointment: To have an attorney appointed to help expedite this complaint to ensure that the statue of limitations does not run out on getting the defendants prosecuted.

Official Capacities: (on each defendants)

1. Declaratory relief. A. That the Defendants violated the Plaintiff's constitutional right, B. That they acted with deliberate indifference in violation of the Eighth Amendment, C. That they did so without any public interest, as well as staff or offender safety that's why this facility is high in violence,

2. Injunctive relief. A. To have the Defendants ~~not~~ fired and held accountable for their actions, lack of training, and poor supervision.

~~3. Individual Capacities~~

Individual Capacities: (on each defendant)

3. Damages A. punitive damages of a \$1,000,000.00 (million) dollars for their actions and in-actions that lead to the Plaintiff being labeled a snitch and death threats toward his life, when they were mandated by ODOC policy to engage in required actions which they refuse to do so,

B. Compensatory damages of a \$1,000,000.00 (million) dollars for aiding in the threats in which has caused the Plaintiff mental and emotional traumas, and monetary damages of \$1,000,000.00 (million) dollars.

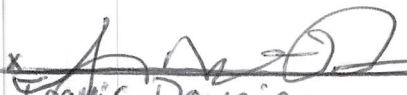
4. To expunge the falsified misconduct that was issued and penalties imposed.

5. Grant such relief as is may appear that plaintiff is entitled.

G. Declaration Under Penalty Or Perjury

I Travis Downing, the undersigned declares (or certifies, verifies, and states) under penalty of perjury that he is the plaintiff, pro se litigant did compose this complaint without aid of any legal counsel or attorney, did read the above complaint and that the information contained herein is true and correct to the best of my personal knowledge and experience,
28 U.S.C. § 1746, 28 U.S.C. § 1621.

Signed this the 15 day of May, 2019, executed at North Fork Correctional Center, 1605 E. Main., Sayre, OK. 73662.


Travis Downing